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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,914	09/24/2003	Roberto Longbardi	FR920020071US1	8467

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IBM CORPORATION  
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EXAMINER
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ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2194

NOTIFICATION DATE	DELIVERY MODE
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07/18/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

## Office Action Summary

Application No.

10/671,914

Applicant(s)

LONGBARDI, ROBERTO

Examiner

Charles E. Anya

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 9/24/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ **WILLIAM THOMSON**  
**SUPERVISOR, PATENT EXAMINER**  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-11 are pending in this application.

#### ***Claim Objections***

2. **Claims 8 is objected to because of the following informalities:**

Claim 8 include the following phrase "a resource management infrastructure)", and seem to include typographical error.

For the purpose of this office action the Examiner would change "a resource management infrastructure)" to "a resource management infrastructure".

Claim 9 includes "A program product comprising a computer readable medium". Program product is software per se while computer readable medium is hardware; as such software could not be made up of hardware. Appropriated correction is required.

#### ***Claim Rejections - 35 USC § 101***

3. **Claims 10 and 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claim 10 is directed to a system, and is software per se. The system is not a process, a machine, a manufacture or a composition of matter.

In contrast, a claimed computer-readable storage medium encoded with instruction for "resource management including a framework for" is a computer element with defined structural and functional interrelationships. The structural and functional

interrelationship allows the claim to be classified as a machine, the functionality realized and thus statutory. Accordingly, appropriate correction or amendment is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**4. Claims 1-4 and 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 2006/0015854 A1 to Muhlestein et al.**

5. As to claim 1, Muhlestein teaches in a resource management infrastructure including a framework for allowing management applications to access managed objects, the framework supporting compliant providers of dynamic services for the managed objects running in a first operative environment (CIM Object Manager 52 page 5 paragraphs 0046/0047/0049-0051), a method of integrating a plurality of non-compliant providers of dynamic services for a set of the managed objects, the non-compliant providers running in a second operative environment that is not supported by the framework ("...decoupled provider..."/Decoupled Provider 68 page 5 paragraphs

0049-0051, ), wherein the method includes the steps of: the framework requesting a first dynamic service for a selected managed object of the set to a compliant provider associated with the selected managed object ("...query..." page 5 paragraph 0050), the compliant provider identifying a non-compliant provider associated with the selected managed object, the compliant provider requesting a second dynamic service for the selected managed object, corresponding to the first dynamic service, to an intermediate entity running in the second operative environment passing an indication of the non-compliant provider ("...If..." page 5 paragraph 0050), the intermediate entity routing the request of the second dynamic service to the non-compliant provider (Decoupled Provider 68 page 5 paragraphs 0050/0051, page 6 paragraph 0060).

6. As to claim 2, Muhlestein teaches the method according to claim 1, further including the steps of: the compliant provider converting at least one first parameter received from the framework with the request of the first service into at least one second parameter supported by the second operative environment (Block 608 "...converted to a format..." page 7 paragraph 0061), the compliant provider passing the at least one second parameter to the intermediate entity with the request of the second dynamic service, and the intermediate entity passing the at least one second parameter to the non-compliant provider with the request of the second dynamic service (Block 612 page 7 paragraph 0061).

7. As to claim 3, Muhlestein teaches the method according to claim 1 or 2, further including the steps of: the non-compliant provider returning a result of the second dynamic service to the intermediate entity, the intermediate entity returning the result of the second dynamic service to the compliant provider, the compliant provider constructing a result of the first dynamic service according to the result of the second dynamic service, and the compliant provider returning the result of the first dynamic service to the framework (page 5 paragraph 0050).

8. As to claim 4, Muhlestein teaches the method according to claim 3, wherein the compliant provider is common to all the managed objects of the set (Data Providers 54A-54N page 5 paragraphs 0046-0051).

9. As to claims 8-11, see the rejection of claim 1 above.

#### ***Allowable Subject Matter***

10. Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pub. No. 2002/0199022 A1 to Tsang et al.: directed to system and method for establishing and managing communications between management protocol different system.

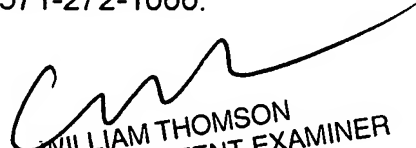
U.S. Pat. No. 6,854,122 B1 to Sheriff et al.: directed to Java common information model interface fro windows management instrumentation via COM/DCOM.

U.S. Pat. No. 6,560,591 B1 to Memmott et al.: directed to system and method for providing multiple data providers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER